

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

MARK M. JERVIS,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00298-JMS-MG
)	
WEXFORD OF INDIANA, LLC, et al.)	
)	
Defendants.)	

**ENTRY DISCUSSING PRELIMINARY INJUNCTIVE RELIEF, GRANTING
MOTION TO APPOINT COUNSEL, AND VACATING DEADLINES**

Mark Jervis is a 75-year-old prisoner of the Indiana Department of Correction (IDOC). In the last two years, he has experienced a stroke and multiple heart attacks. This civil rights action concerns the care he received for his medical conditions from Dr. Samuel Byrd and his employer, Wexford of Indiana, LLC, at Wabash Valley Correctional Facility.

In recent weeks, three developments have changed the landscape of the case.

First, the IDOC transferred Mr. Jervis from WVCF to Putnamville Correctional Facility (PCF). *See* dkt. 71. Dr. Byrd is no longer Mr. Jervis's doctor and is no longer responsible for or able to contribute to Mr. Jervis's care.

Second, Wexford's contract with the IDOC expired, and another company is now responsible for treating Mr. Jervis and all other IDOC prisoners. As a result, Wexford is no longer responsible for Mr. Jervis's medical care or capable of providing the Court information about his ongoing treatment.

These developments are significant because a claim for injunctive relief becomes moot when "the defendant discontinues the conduct in dispute." *Aslin v. Fin. Indus. Reg. Auth.*, 704 F.3d

475, 477–78 (7th Cir. 2013); *see also Lehn v. Holmes*, 364 F.3d 862, 871 (7th Cir. 2004) ("[W]hen a prisoner who seeks injunctive relief for a condition specific to a particular prison is transferred out of that prison, the need for relief . . . become[s] moot.").

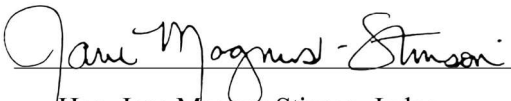
Third, Mr. Jervis notified the Court that all his submissions to date have been written by fellow inmates. Dkt. 69. The Court previously denied Mr. Jervis's requests for recruited counsel in part because his submissions have been clear and understandable. *See* dkt. 29.

In view of these developments:

- (1) The defendants' motion to terminate preliminary injunction, dkt. [73], is **granted**.
- (2) The preliminary injunction requiring the defendants to provide monthly updates of Mr. Jervis's treatment, dkt. [50], is **terminated**.
- (3) For the same reasons, Mr. Jervis's motion for temporary restraining order and preliminary injunction, dkt. [61], is **denied as moot**.
- (4) Mr. Jervis's motion to appoint counsel, dkt. [69], is **granted** to the extent the Court will attempt to recruit counsel to assist Mr. Jervis for the remainder of the action.
- (5) All pending deadlines are **vacated**. The Court requests that Magistrate Judge Garcia set this matter for a status conference and enter a revised pretrial schedule after recruited counsel has appeared.

IT IS SO ORDERED.

Date: 7/26/2021


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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Hon. Mario Garcia, U.S. Magistrate Judge